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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B5

DATE: AUG 0 9 2012

OFFICE: TEXAS SERVICE CENTER

FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a metallurgical engineering researcher. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

Before the filing of the appeal, attorney Ui Jun Suk represented the petitioner. The attorney prepared a response to a request for evidence (RFE), including a cover letter on the attorney's letterhead. The attorney mailed the RFE response from the attorney's Glenview, Illinois address, rather than from the petitioner's Salt Lake City, Utah address. Subsequently, however, the attorney did not prepare or sign the Form I-290B Notice of Appeal; the petitioner's personal statement on appeal includes no mention of legal representation; and the petitioner mailed the appeal from his own Utah address. Form I-290B advises that attorneys "must attach a Form G-28, Notice of Entry of Appearance as Attorney or Representative" to the appeal, as required by the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 292.4(a). The appeal does not include this form. Therefore, the record contains no indication that Ui Jun Suk is still the petitioner's attorney of record, and several indications to the contrary. The AAO will therefore consider the petitioner to be self-represented on appeal.

The U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, filed on March 13, 2012, the petitioner indicated that "[n]o supplemental brief and/or additional evidence will be submitted." Thus, the petitioner's statement on the Form I-290B itself constitutes the entire appeal.

On appeal, the petitioner states:

> I have a vision that I will devote myself for the revival of this country. . . . I have been working in the field of manufacturing industry, which is considered as a 3D (dirty, dangerous, difficult) industry and, thus, is less attractive to young researchers like me. However, I confidently believe that the revival of the USA's manufacturing industry is the key to revive the economy of this country as well as the whole world, which will lead to the spiritual revival of the USA.

The petitioner makes no specific allegation of error of fact or law in the director's decision, and offers no rebuttal to any of the director's specific findings. The petitioner's declaration of willingness to work in manufacturing is not a sufficient basis for a substantive appeal. The director, in the denial notice, did not question the intrinsic merit of the petitioner's occupation, and therefore a discussion of the occupation does not address or rebut the stated grounds for denial.

Because the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed.